

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:05CV340-MU**

**TERRY WHISNANT,**

**Plaintiff,**

**v.**

**JPMORGAN CHASE BANK, as  
TRUSTEE, and HOMECOMINGS  
FINANCIAL NETWORK,**

**Defendants.**

**ORDER**

**THIS MATTER** is before the Court upon its own motion. The Court issued an order staying this case to allow the Plaintiff to file for arbitration, as he was obligated to by contract, on October 3, 2005. Since then, this case has gone through a long and arduous procedural path, recounted accurately in Defendants' Status Report of June 20, 2006, (Docket # 25) and incorporated herein by reference. Throughout this dispute, however, and despite notice that he was required to do so, Plaintiff has failed to commence arbitration. In light of this, and after a review of the record, it appears to the Court that it is unnecessary to continue this action pending an arbitration that may or may not ever come. As such, this case is **DISMISSED** with prejudice. Plaintiff is still free to file his arbitration claim with the National Arbitration Forum according to the terms of the contract, and may bring an action to enforce that arbitration in this Court after such arbitration is filed.

**IT IS SO ORDERED.**

Signed: July 7, 2006



Graham C. Mullen  
United States District Judge

